1999 SENATE TRANSPORTATION

SB 2403

Senate Transportation Committee

❑ Conference Committee

Hearing Date February 5, 1999

Tape Number	Side A	Side B	Meter #
1	x		4,280-End
1		x	1-30
February 12, 1999-Tape 1		x	575-1120
Committee Clerk Signature *Lori A. Schaefbauer*			

Minutes:

SENATOR SCHOBINGER opened the hearing on SB 2403. Committee members present included: Sens. R. Schobinger, D. Mutch, D. Cook, V. Thompson, and D. Bercier. Senator Bob Stenehjem and Senator David O'Connell were absent.

SENATOR JERRY KLEIN, DISTRICT #14 testified in support of SB 2403. This bill is a result of a 0 tolerance bill which we passed two years ago. The intent of the law was to take away the driving privileges for 18 to 20 year olds if they are caught driving while under the influence. It's a good idea, however, it seemed that this would not be put on the public viewing record and I know that it has. This bill will place it in the record for law enforcement but out of public view. This will not take away any DUI conviction out of public view but this only pertains to the 0 tolerance age bracket which is 18-21 years of age. They would not be off of the hook. We attempted to work it through administratively but it seems this was the best approach. This does

not affect any other law that deals with DUI's. We are not trying to take away the public's right

to know.

SENATOR COOK Do you have copies of testimony from last session?

SENATOR KLEIN Your chairman does have that information.

SENATOR COOK Does this clear up your son's record now?

SENATOR KLEIN I don't know.

JACK MCDONALD, ND NEWSPAPER ASSOCIATION AND BROADCASTING

ASSOCIATION testified in opposition of SB 2403 (see testimony).

SENATOR COOK Did you follow the hearing on the bill two years ago? Were you against it?

JACK MCDONALD I did testify against it.

SENATOR COOK Was it in opposition for the same reason today?

JACK MCDONALD Yes.

KENT OLSON, ND PIA We have a question on line 12, item 2 of the bill. We have a problem

with eliminating suspensions. Would the suspensions be public record for multiple offenses

because a suspension is key to underwriting?

JACK MCDONALD Section 2 is reworded but it doesn't change it.

SENATOR SCHOBINGER Is there any other testimony?

SENATOR SCHOBINGER We will close the hearing on SB 2403.

February 12, 1999 - Tape 1 - Committee Discussion

KEITH MAGNUSSON explained the bill to the Senators who were absent from the hearing.

SENATOR O'CONNELL Will this bill take care of those in the past?

KEITH MAGNUSSON We will put all of them in the private record.

SENATOR B. STENEHJEM I wouldn't never have voted for this in the first place if I had known they would make the records public. Is there an assurance that these records will be made private?

KEITH MAGNUSSON This bill will take care of it.

SENATOR COOK I move a Do Pass on SB 2403.

SENATOR SCHOBINGER I will second that motion.

SENATOR COOK We did have some opposition against this bill and he made a valid point that someone hiring for a delivery or something will want to know what that record is, however, prior to last session there was no record.

SENATOR B. STENEHJEM I am supportive of the sanctions of this bill but this is not a part of the permanent driving record and should not be open to any agency or person. It was our intent last session when we passed this to make sure it did not go on public record.

A roll call vote was taken (5 Yeas, 1 Nay and 1 Absent and Not Voting).

Senator O'Connell will carry SB 2403.

FISCAL NOTE

Bill/Resolution No.: ~~HB~~ SB 2403   Amendment to: _____

Requested by Legislative Council   Date of Request: __January 27, 1999__

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts. Please provide breakdowns, if appropriate, showing salaries and wages, operating expenses, equipment, or other details to assist in the budget process.

   Narrative: This involves moving the zero tolerance information from the releasable portion of the driving record to the non-releasable portion of the driving record. This is a very minor program change and therefore, there is no fiscal impact for the department.

2. **State** fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	**Other Funds**	**General Fund**	**Other Funds**	**General Fund**	**Other Funds**
Revenues	-0-	-0-	-0-	-0-	-0-	-0-
Expenditures	-0-	-0-	-0-	-0-	-0-	-0-

3. What, if any, is the effect of this measure on the budget for your agency or department:

   a. For rest of 1997-99 biennium: -0-

       (Indicate the portion of this amount included in the 1999-2001 executive budget:) -0-

   b. For the 1999-2001 biennium: -0-

       (Indicate the portion of this amount included in the 1999-2001 executive budget:) -0-

   c. For the 2001-03 biennium: -0-

4. **County, city, and school district** fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	**Cities**	**School Districts**	**Counties**	**Cities**	**School Districts**	**Counties**	**Cities**	**School Districts**
-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-	-0-

Signed: _Marsha M. Lembke_

Typed Name: Marsha M. Lembke

Department: Drivers License and Traffic Safety

Phone Number: (701) 328-4865

Date Prepared: February 1, 1999

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 852403

Senate   Transportation   Committee

☐ Subcommittee on _____

   or

☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken   No Pass

Motion Made By   Sen. Cook   Seconded By   Sen. Schobinger

Senators	Yes	No	Senators	Yes	No
Sen. B. Stenehjem-Chairman	X				
Sen. R. Schobinger-V. Chair	X				
Sen. Duane Mutch	X				
Sen. Dwight Cook	X				
Sen. David O'Connell	X				
Sen. Vern Thompson		X			
Sen. Dennis Bercier					

Total   (Yes)   5   No   1

Absent   1

Floor Assignment   Senator O'Connell

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE
SB 2403: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2403 was placed on the Eleventh order on the calendar.

1999 HOUSE TRANSPORTATION

SB 2403

House Transportation Committee

❏ Conference Committee

Hearing Date March 12, 1999

Tape Number	Side A	Side B	Meter #
1		x	15.8-17.1
Committee Clerk Signature	*Jauranen*		

Minutes:

CHAIRMAN KEISER OPENED THE HEARING ON SB 2403; A BILL RELATING TO THE

CONFIDENTIALITY OF A DRIVER RECORD OR ABSTRACT.

SENATOR JERRY KLEIN, District14, introduced SB 2403. He said that it was a simple bill

that came about as a result of the zero tolerance rule. It would do what the statute was meant to

do in the first place. This would just put it in the public view.

CHAIRMAN KEISER CLOSED THE HEARING ON SB 2403.

COMMITTEE ACTION

REP. JENSEN moved a DO PASS on SB 2403. REP. MICKELSON seconded the motion.

THE MOTION PASSED.

ROLL CALL - 9 YEA, 3 NAE, 3 ABSENT AND NOT VOTING.

FLOOR ASSIGNMENT - REP. GRUMBO

Date: 3/12
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2403

House   Transportation   Committee

☐ Subcommittee on _____
or
☐ Conference Committee

Legislative Council Amendment Number _____

Action Taken   DO PASS

Motion Made By   Rep Jensen   Seconded By   Rep Mickelson

Representatives	Yes	No	Representatives	Yes	No
Representative Keiser, Chair	✓		Representative Thorpe	✓	
Representative Mickelson, V. Ch.	✓				
Representative Belter	✓				
Representative Jensen	✓				
Representative Kelsch		✓			
Representative Kempenich					
Representative Price		✓			
Representative Sveen	✓				
Representative Weisz					
Representative Grumbo	✓				
Representative Lemieux	✓				
Representative Mahoney	✓				
Representative Meyer		✓			
Representative Schmidt					

Total   (Yes)   9   No   3

Absent   3

Floor Assignment   Rep Grumbo

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE
SB 2403: Transportation Committee (Rep. Keiser, Chairman) recommends **DO PASS** (9 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). SB 2403 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

SB 2403

February 5, 1999

CHAIRMAN STENEHJEM AND COMMITTEE MEMBERS:

My name is Jack McDonald. I'm appearing here today on behalf of the <u>ND Newspaper Assocciation</u> and the <u>ND Broadcasters Association.</u> Despite the fine and distinguished list of sponsors, we have to oppose SB 2403.

While we fully understand the reasons for this bill, nevertheless the bill does close a segment of public records that are now open to the public. The boards of directors of our associations have taken a firm stand to oppose all additional closure of public records.

These types of records are particularly useful in doing news stories or in in doing research. If, for example, we wanted to check on the driving records of the Bismarck School District's bus drivers, we would quite likely be looking for some of the records this bill closes. If there was an accident involving young people, we would be looking at these records.

And, I suspect, if an employer is looking to hire a young person for any type of a position that involves driving, that employer would also be interested in looking at these records.

The minor in consumption statutes were put in place to discourage minors from drinking. I don't think this bill continues that philosophy.

We <u>respectfully</u> request a DO NOT PASS. Thank you for your time and consideration. I'll be happy to answer any questions if I can.